

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

SEELETTER LIVINGSTON,

Defendant.

8:07CR283

ORDER

This matter is before the court on the motion of Assistant Federal Public Defender Jeffrey L. Thomas and the Office of the Federal Public Defender to withdraw as counsel for the defendant, Seeletter Livingston (Livingston) (Filing No. 14). Mr. Thomas represents he has a conflict of interest in this matter as he recently determined he represents another person who may have an adverse interest to that of Livingston. Mr. Thomas's and the Office of the Federal Public Defender's motion to withdraw (Filing No. 14) is granted.

Clarence E. Mock, P.O. Box 62, Oakland, NE 68045-0062, (402) 685-5647, is appointed to represent Livingston for the balance of these proceedings pursuant to the Criminal Justice Act. Mr. Thomas shall forthwith provide Mr. Mock with the discovery materials provided the defendant by the government and such other materials obtained by Mr. Thomas which are material to Livingston's defense.

The clerk shall provide a copy of this order to Mr. Mock, and he shall file his appearance forthwith.

Livingston will be given **until September 28, 2007**, in which to file any pretrial motions in accordance with the progression order (Filing No. 8). The ends of justice have been served by granting such additional time to file pretrial motions and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting such time, i.e., the time between **September 6, 2007 and September 28, 2007** will be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's newly appointed counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

The trial of this matter will be rescheduled following the disposition of any pretrial motions or the expiration of the pretrial motion deadline.

IT IS SO ORDERED.

DATED this 6th day of September, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge